

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GILBERTO AGUILAR-BELTRAN,

Defendant.

8:21–CR–223

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the defendant’s *pro se* Motion to Reduce Sentence, [Filing 136](#), and a Motion to Withdraw filed by the defendant’s counsel, [Filing 138](#). The Office of the Federal Public Defender was appointed to represent the defendant pursuant to General Order No. 2023-09. [Filing 137](#). The purpose of this appointment was to determine whether the defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 137 at 1](#). The defendant’s counsel has moved to withdraw as counsel because “the Defendant has one criminal history point assessed in the Presentence Investigation Report and therefore is not a zero point offender pursuant to U.S.S.G. § 4C1.1.” [Filing 138 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the defendant is not entitled to a reduction. [Filing 139](#).

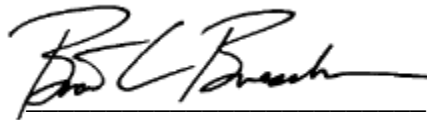
The Court has conducted its own review of the defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the defendant is not entitled to the requested sentencing relief. The defendant’s *pro se* Motion is without merit and will be denied. The Court likewise concludes that the Motion to Withdraw should be granted for the reasons set forth in the Motion. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender's Motion to Withdraw, [Filing 138](#), is granted; and
2. The defendant's *pro se* Motion to Reduce Sentence, [Filing 136](#), is denied.

Dated this 21st day of November, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge